

*United States v. American Eel Depot, et al.,*  
22-cr-165-JMV

Att. **A** to Gov't Opp. to Mot. to Dism.

**DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE  
OFFICE OF LAW ENFORCEMENT**

**REPORT OF INVESTIGATION  
REPORT#: 2015501394R006  
APPROVED**

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<b>CASE TITLE</b>	<b>REPORT DATE</b>	<b>CASE NUMBER</b>
AMERICAN EEL DEPOT <b>SENSITIVE CASE</b>	05/03/2016	2015501394
	<b>REPORTING OFFICER</b> Amy Snyder -	<b>CASE STATUS</b> PENDING
	<b>APPROVED BY</b> Preston Fant, Neil Mendelsohn, Amy Snyder,	
<b>SUBJECTS OF REPORT</b>		
ASIA AQUATIC COMPANY LTD. YI RUI HUANG - AMERICAN EEL DEPOT CORPORATION YI RUI HUANG - CHANGLE PACIFIC FOOD CORP. CHAO JIN SHI - OCEAN GREAT LLC. GUO TUAN ZHOU SR. - AMERICAN EEL DEPOT CANADA CORP.		

**SYNOPSIS**

This report documents intelligence garnered from Canada's Department of Fisheries and Oceans (DFO) and . This report also documents the importation of processed adult eel fillets by AMERICAN EEL DEPOT (AED), from their partner company, CHANGLE PACIFIC FOOD CORP. (CP) in China, as well as the genetics testing conducted by the United States Fish and Wildlife Service (Service) on these fillets.

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**INV #: 2015501394**  
**Report #: 006**

**AED Import Intercepted at the Elizabeth, NJ Seaport**

Based on evidence previously documented in R005 of this investigation, SA Snyder learned that AED was importing cooked adult eels directly from HUANG's eel processing facility CP in China, into the United States and Canada. Throughout the course of this investigation, SA Snyder developed reason to suspect that the illegal elvers HUANG had been exporting to ASIA AQUATIC during OBG ultimately arrive at CP in China, before being cooked, packaged and

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exported around the world. As such, SA Snyder sought to identify the species of eels CP was trading in by sampling CP's processed, adult eel products. Prior conversations with Dr. Mary Burnham Curtis, geneticist at the Service's National Wildlife Forensics Laboratory (NWFL), confirmed it was possible to extract DNA from cooked seafood products.

Of the three eel species commercially raised for human consumption, the American eel (*Anguilla rostrata*), European eel (*Anguilla anguilla*), and Japanese eel (*Anguilla japonica*), only the Japanese eel is native to China. Because AED trafficked in poached American elvers and exported them to Asia, because American eels are not native to China, and because all farmed eels are wild-caught, the presence of American eels in CP's shipments would be highly suspicious and further implicate HUANG and AED in the American eel trafficking conspiracy—not only through their illegal elver exports to Hong Kong, but again through the dozens of adult eel meat AED imported from CP in China.

On October 13, 2015 Senior Special Agent Philip Alegranti identified an ocean container manifested as "frozen roasted eels" destined for AED's headquarters in New Jersey, from HUANG's eel processing plant, CP in China. On October 14, 2015, this shipment made import at the Elizabeth, NJ seaport in container number SZLU9831179. On October 22, 2015, Wildlife Inspectors (WI) Michael Martynenko and Kathleen Bushman inspected this shipment and removed a representative sample of six (6) eel products which included two (2) packages of eleven ounce eel fillets, two (2) packages of eight ounce eel fillets, and two (2) packages of nine ounce eel fillets, leaving a property receipt in the box of eel fillets, denoting which items had been sampled (See attachment #1; OG Property Receipt). In communicating with AED's broker, WI Martynenko received numerous documents pertaining to this shipment including a commercial invoice from CP to AED for 21,000 kilograms of frozen roasted eels with a declared value of \$346,500.00 (See attachment #2; AED Import Documents). Each package of eel meat had a small notation on the rear packaging which stated that the eel was a product of China and was packed for OG in New York, NY.

**Eel Samples Shipped to the NWFL**

On November 23, 2015 WI Martynenko shipped three (3) representative packages of eel fillets, (item numbers 1, 3 and 5) to the NWFL for species identification (See attachment #3; NWFL Evidence Submittal Form).

**Eel Samples Returned from the NWFL**

On February 18, 2016, SA Snyder received item numbers 1, 3, and 5 back from the NWFL.

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**Genetics Examination Report Received from the NWFL**

In February of 2016, SA Snyder received a Genetics Examination Report from Dr. Curtis (See attachment #4; Genetics Examination Report). Dr. Curtis's examination revealed that item #1 and item #3, the eleven and eight ounce eel fillets, were identified as *Anguilla rostrata*, the American eel. Dr. Curtis found that item #5, the nine ounce eel fillet, was *Anguilla anguilla*, the European eel. None of the eel fillets sampled were *Anguilla japonica*, the Japanese eel.

As of September 2015, AED had imported at least 137 different shipments of eels from CP between 2010 and 2015, many of which are likely to have contained illegally harvested and trafficked rostrata elvers from OBG.

While neither the American nor European species of eel are listed on the United States' Endangered Species Act, the European eel is listed on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as an Appendix II species, necessitating CITES permits for commercial trade. Further, while the International Union for Conservation of Nature (IUCN) listings have no legal bearing, it should be noted that the European eel is listed as critically endangered, while the American eel is listed as endangered.

**DESCRIPTION OF SUBJECTS**

No new subjects have been identified at this time.

**PRIOR VIOLATIONS**

None to document as no new subjects have been identified in this report.

**WITNESSES**

Amy Snyder, Special Agent  
Michael Martynenko, Wildlife Inspector  
Kathleen Bushman, Wildlife Inspector  
U.S. Fish and Wildlife Service  
Office of Law Enforcement  
1210 Corbin Street, 1st Floor  
Elizabeth, New Jersey 07201

福建省长乐市对外贸易公司  
CHANGLE FOREIGN TRADE CORPORATION, FUJIAN, CHINA  
57 ZISHENG ROAD, CHANGLE CITY, FUJIAN, CHINA

商业发票  
COMMERCIAL INVOICE

INV. NO.: AED2001089      CONTRACT NO.: AED2001089

DD: Aug.23,2015

PAYMENT TERMS: T/T

TO: American Eel Depot Corp.

ADD: 405 MINNISINK RD TOTOWA NJ 07512 USA

TEL: 973-890-8888      FAX: 973-890-8880

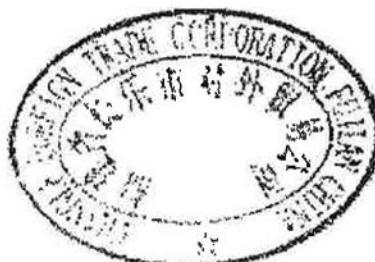
MARKS:	DESC.:	QTY	UNIT PRC	AMOUNT
唛头	品名	数量	单价	金额
	FROZEN ROASTED EEL	KGS	USD CNF NEW YORK	
	110Z	21000	US\$16.50	US\$346,500.00
		TTL: 21000KGS		US\$346,500.00

shipping mark:

N/M

160417/000

16XGT45



CHANGLE FOREIGN TRADE CORPORATION, FUJIAN, CHINA

Attachment #: 2  
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Department of the Interior  
U.S. Fish & Wildlife Service  
Office of Law Enforcement

**EVIDENCE SUBMITTAL FORM  
AND EXAMINATION REQUEST**

Mail To: National Fish & Wildlife Forensic Lab  
1490 East Main Street  
Ashland, OR 97520  
Ph. 541/482-4191 FAX 541/482-4989  
e-mail: fw9ash\_evidence@fws.gov

Agency Case #:
2015501394

CALL THE EVIDENCE UNIT AT THE LAB IF YOU HAVE  
ANY QUESTIONS ABOUT COMPLETING THIS FORM.

Lab Case #:

Case Officer: (Name & Badge #)	Date:
SA Amy Snyder	11/23/2015
Evidence Submitted by: (Name & Badge #)	
SA Amy Snyder	

Agency:  
 FWS/LE  State  
 Federal  CITES

Agency Name, Address:	Suspect Name(s):
U.S. Fish and Wildlife Service Office of Law Enforcement 1210 Corbin Street Elizabeth, NJ 07201	AMERICAN EEL DEPOT
Case Title: AMERICAN EEL DEPOT	
ALL CORRESPONDENCE, INCLUDING REPORTS, WILL BE MADE TO THE CASE OFFICER AT THIS ADDRESS UNLESS OTHERWISE STATED.	

Rec'd in Lab: (Date/By)  
  
Logged In: (Date/By)  
  
Case Assignment:  
TO: *MLK*  
AREA: \_\_\_\_\_

Item # and Seizure Tag #	Item Description: Use entire block to describe 1 tagged item or the contents of 1 tagged package.	Submission Number:
Item #: <u>1</u> ST #: <u>028310</u>	One (1) eleven ounce eel filet	Lab #:
Item #: <u>3</u> ST #: <u>028310</u>	One (1) eight ounce eel filet	
Item #: <u>5</u> ST #: <u>028310</u>	One (1) nine ounce eel filet	
Item #: _____ ST #: _____		
Item #: _____ ST #: _____		
Item #: _____ ST #: _____		
Item #: _____ ST #: _____		

Additional Items Listed on back?

yes  no

For additional information, contact:

Case Officer  Submitting Officer  
Phone: \_\_\_\_\_

Return Evidence To:

Agency Address listed above  
 Other: see special instructions

Additional Instructions on back?

yes  no

Examination or Shipping Instructions:

Species ID

Attachment #: 3

Rev. Dec/14

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IN REPLY REFER TO:

## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Office of Law Enforcement  
Clark R. Bavin

National Fish and Wildlife Forensics Laboratory  
1490 East Main Street  
Ashland, Oregon 97520



February 1, 2016

### GENETICS EXAMINATION REPORT

**Agency:**

USFWS/LE, Elizabeth  
1210 Corbin Street  
Sealand Building 1st Floor  
Elizabeth, NJ 07201

**Lab Case #:** 15-0336

**Examiner:** Burnham Curtis

**Agency Case #:** 2015501394

**Investigator:** Snyder

**Suspects:** American Eel Depot

**Case Title:** American Eel Depot

#### EVIDENCE RECEIVED:

The following evidence was received in the Evidence Unit of the Laboratory on November 24, 2015, and was transferred to the undersigned examiner on December 07, 2015:

- LAB-1: "One (1) eleven ounce eel filet" [ST#028310;Item# 1]
- LAB-2: "One (1) eight ounce eel filet" [ST#028310;Item# 3]
- LAB-3: "One (1) nine ounce eel filet" [ST#028310;Item# 5]

#### EXAMINATION REQUESTED:

The submitting investigator, Special Agent Amy Snyder, requested analyses to determine the species origin of the evidence represented by LAB-1, LAB-2, and LAB-3.

#### EXAMINATION CONDUCTED:

LAB-1, LAB-2, and LAB-3 were sampled for DNA extraction. A segment of mitochondrial DNA (mtDNA) containing a portion of the Cytochrome *b* (Cyt *b*) gene from LAB-1 through LAB-3 was amplified by PCR and subjected to DNA sequence analysis. The resulting sequences were compared to National Fish and Wildlife Forensic Laboratory (NFWFL) reference material and sequences obtained from the GenBank databases.

#### EXAMINATION RESULTS:

The Cyt *b* sequence of LAB-1 is identical to that of *Anguilla rostrata*, GenBank Acc. #KJ564214 at 425/425 bp.

The Cyt *b* sequence of LAB-2 is identical to that of *Anguilla rostrata*, GenBank Acc. #KJ564213 at 425/425 bp.

The Cyt *b* sequence of LAB-3 is identical to that of *Anguilla anguilla*, Gen Bank Acc. #KJ564266 at 424/425 bp.

1 of 2

Attachment #: 4  
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Examiner's Initials: 

Examination Report 15-0336 - Continued  
February 1, 2016

**EXAMINATION CONCLUSIONS:**

The species origin of LAB-1 and LAB-2 is *Anguilla rostrata*.

The species origin of LAB-3 is *Anguilla anguilla*.

**DISPOSITION OF EVIDENCE:**

All evidence items were transferred to the Evidence Unit pending return to the submitting agency.



Mary K. Burnham Curtis, Ph.D.  
Supervisory Forensic Scientist